

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF NORTH CAROLINA

IN RE CAPITAL BANK FINANCIAL CORP.  
STOCKHOLDER LITIGATION

Lead Case No. 3:17-cv-00422-MOC-DSC  
MASTER FILE

THIS DOCUMENT RELATES TO:  
ALL ACTIONS

**NOTICE CONCERNING RESOLUTION  
OF PLAINTIFFS' FEE AND EXPENSE APPLICATION**

WHEREAS, on August 24, 2017, Plaintiffs filed a Stipulation of Dismissal and Proposed Order dismissing the above captioned action and reserving the right to submit an application for an award of attorneys' fees and reimbursement of expenses if their claim for fees and expenses could not be resolved through negotiations between Plaintiffs' Counsel and Defendants (the "Fee and Expense Application");

WHEREAS, on August 28, 2017, the Court ordered that the Stipulation of Dismissal and Proposed Order was deemed to be a Rule 41(a)(2) Motion to Dismiss and granted such motion and closed the file;

WHEREAS, Plaintiff's Counsel and Defendants have reached an agreement with respect to the Fee and Expense Application; and

WHEREAS Plaintiffs will not be submitting a Fee and Expense Application to the Court;  
PLAINTIFFS HEREBY SUBMIT NOTICE that no fee application will be filed in the above captioned action, that there is no need to re-open the file, and this action should be considered dismissed and remain closed for all purposes consistent with the Court's Order entered on August 28, 2017.

Dated: November 6, 2017

Respectfully submitted,

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**CERTIFICATE OF SERVICE**

I hereby certify that on November 6, 2017, I authorized the electronic filing of the foregoing with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the e-mail address denoted on the attached Electronic Mail Notice List.

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